

The Gazette



of India

EXTRAORDINARY  
PART II—Section 1  
PUBLISHED BY AUTHORITY

No. 48] NEW DELHI, SATURDAY, DECEMBER 26, 1964/PAUSA 5, 1886

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

MINISTRY OF LAW  
(Legislative Department)

New Delhi, the 26th December, 1964/Pausa 5, 1886 (Saka)

The following Acts of Parliament received the assent of the President on the 25th December, 1964, and are hereby published for general information:—

THE OFFICIAL TRUSTEES (AMENDMENT) ACT, 1964  
No. 48 OF 1964

[25th December, 1964]

An Act further to amend the Official Trustees Act, 1913.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. This Act may be called the Official Trustees (Amendment) Short title Act, 1964.

2 of 1913.

2. In the Official Trustees Act, 1913 (hereinafter referred to as the principal Act), the Preamble shall be omitted.

Omission of Preamble.

3. In section 2 of the principal Act, clause (2) shall be omitted.

Amendment of section 2.

4. In Part I of the principal Act, after section 2, the following section shall be inserted, namely:—

Insertion of new section 3.

“3. The High Court shall, in respect of proceedings instituted by or against the Official Trustee under this Act or the Indian Trusts Act, 1882, be a competent Court throughout the territories in relation to which it exercises civil appellate jurisdiction:

Extent of jurisdiction of High Court.

2 of 1882.

Provided that nothing in this section shall be construed as affecting the jurisdiction of any district court.”.

Amend-  
ment of  
section 4.

5. For sub-section (2) of section 4 of the principal Act, the following sub-section shall be substituted, namely:—

“(2) No person shall be appointed to the office of Official Trustee unless he has been for at least—

- (a) seven years, an advocate; or
  - (b) seven years, an attorney of a High Court; or
  - (c) ten years, a member of the judicial service of a State;
- or
- (d) five years, a Deputy Official Trustee.”.

Amend-  
ment of  
section 5.

6. Section 5 of the principal Act shall be re-numbered as sub-section (1) of that section, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) No person shall be appointed as a Deputy unless he has been for at least three years—

- (a) an advocate; or
- (b) an attorney of a High Court; or
- (c) a member of the judicial service of a State.”.

Amend-  
ment of  
section 10.

7. In sub-section (3) of section 10 of the principal Act, the words and figures “the Trustees’ and Mortgagees’ Powers Act, 1866, or” shall be omitted.

28 of 1866.

Amend-  
ment of  
section 12.

8. In sub-section (1) of section 12 of the principal Act, for the word “infant”, the word “minor” shall be substituted.

Amend-  
ment of  
section 13.

9. In sub-section (2) of section 13 of the principal Act,—

- (a) the words “or Deputy Official Trustee” shall be omitted;
- (b) for the words “the Official Trustee’s personal knowledge”, the words “his personal knowledge” shall be substituted.

Amend-  
ment of  
section 15.

10. In section 15 of the principal Act, the words “revenues of the”, wherever they occur, shall be omitted.

Amend-  
ment of  
section 17.

11. In section 17 of the principal Act,—

- (a) the proviso to sub-section (1) shall be omitted;

(b) in sub-section (2), the words "the revenues of" shall be omitted.

12. In section 19 of the principal Act, for clause (a) of sub-section (2), the following clause shall be substituted, namely:—

Amend-  
ment of  
section 19.

"(a) whether the accounts have been audited in the prescribed manner, and whether, so far as can be ascertained by such audit, the accounts contain a full and true account of everything which ought to be contained therein;"

13. In section 25 of the principal Act, for the word "interest", the word "income" shall be substituted.

Amend-  
ment of  
section 25.

14. In section 30 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

Amend-  
ment of  
section 30.

"(4) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

## THE PREVENTION OF FOOD ADULTERATION (AMENDMENT) ACT, 1964

No. 49 OF 1964

[25th December, 1964]

### An Act further to amend the Prevention of Food Adulteration Act, 1954

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Food Adulteration (Amendment) Act, 1964.

Short title  
and com-  
mence-  
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section 2.

2. In section 2 of the Prevention of Food Adulteration Act, 1954 37 of 1954. (hereinafter referred to as the principal Act), in clause (vii) and in sub-clause (2) of clause (viii), for the words "the State Government", the words "the Central Government or the State Government" shall be substituted.

Amend-  
ment of  
section 3.

3. In section 3 of the principal Act,—

(i) in sub-section (2),—

(a) for clause (d), the following clause shall be substituted, namely:—

"(d) one representative each of the Departments of Food and Agriculture in the Central Ministry of Food and Agriculture and one representative each of the Central Ministries of Commerce, Defence, Industry and Supply and Railways, nominated by the Central Government;";

(b) for clause (g), the following clause shall be substituted, namely:—

"(g) two representatives nominated by the Central Government to represent the agricultural, commercial and industrial interests;";

(c) after clause (h), the following clause shall be inserted, namely:—

"(i) one representative nominated by the Indian Standards Institution referred to in clause (e) of section 2 of the Indian Standards Institution (Certification Marks) Act, 1952.";

36 of 1952.

(ii) in sub-section (3), for the brackets, letters and word "(g) and (h)", the brackets, letters and word "(g), (h) and (i)" shall be substituted.

Amend-  
ment of  
section 7.

4. In section 7 of the principal Act, in clause (iv), for the words "with a view to preventing the outbreak or spread of infectious diseases", the words "in the interest of public health" shall be substituted.

Substitution  
of new  
sections for  
sections 8  
and 9.

5. For sections 8 and 9 of the principal Act, the following sections shall be substituted, namely:—

Public  
Analysts

"8. The Central Government or the State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications to be public

analysts for such local areas as may be assigned to them by the Central Government or the State Government, as the case may be:

Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be appointed to be a public analyst under this section.

9. (1) The Central Government or the State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications to be food inspectors for such local areas as may be assigned to them by the Central Government or the State Government, as the case may be: Food  
Inspectors

Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be appointed to be a food inspector under this section.

(2) Every food inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and shall be officially subordinate to such authority as the Government appointing him, may specify in this behalf."

43 of 1860.

6. In section 10 of the principal Act,—

Amendment  
of section 10.

(i) in clause (c) of sub-section (1), for the words "with a view to preventing the outbreak or spread of any infectious disease", the words "in the interest of public health" shall be substituted;

(ii) in sub-section (4), the following proviso shall be inserted, namely:—

"Provided that where the food inspector keeps such article in the safe custody of the vendor he may require the vendor to execute a bond for a sum of money equal to the value of such article with one or more sureties as the food inspector deems fit and the vendor shall execute the bond accordingly.";

(iii) in sub-section (7), for the words "as far as possible, call not less than two persons to be present at the time when such action is taken and take their signatures", the words "call one or more persons to be present at the time when such action is taken and take his or their signatures" shall be substituted.

Substitution  
of new  
sections for  
section 14.

7. For section 14 of the principal Act, the following sections shall be substituted, namely:—

Manufac-  
turers, dis-  
tributors  
and dealers  
to give  
warranty.

"14. No manufacturer, distributor or dealer of any article of food shall sell such article to any vendor unless he also gives a warranty in writing in the prescribed form about the nature and quality of such article to the vendor.

*Explanation.*—In this section, in sub-section (2) of section 19 and in section 20A, the expression "distributor" shall include a commission agent.

Vendor to  
disclose the  
name, etc.,  
of the person  
from whom  
the article  
of food was  
purchased.

14A. Every vendor of an article of food shall, if so required, disclose to the food inspector the name, address and other particulars of the person from whom he purchased the article of food."

Amendment  
of section 15.

8. In section 15 of the principal Act, for the words "The State Government", the words "The Central Government or the State Government" shall be substituted.

Amend-  
ment of  
section 16.

9. For sub-section (1) of section 16 of the principal Act, the following sub-sections shall be substituted, namely:—

"(1) If any person—

(a) whether by himself or by any other person on his behalf imports into India or manufactures for sale, or stores, sells or distributes any article of food—

(i) which is adulterated or misbranded or the sale of which is prohibited by the Food (Health) authority in the interest of public health;

(ii) other than an article of food referred to in sub-clause (i), in contravention of any of the provisions of this Act or of any rule made thereunder; or

(b) prevents a food inspector from taking a sample as authorised by this Act; or

(c) prevents a food inspector from exercising any other power conferred on him by or under this Act; or

(d) being a manufacturer of an article of food, has in his possession, or in any of the premises occupied by him, any material which may be employed for the purpose of adulteration; or

(e) uses any report or certificate of a test or analysis made by the Director of the Central Food Laboratory or by a public analyst or any extract thereof for the purpose of advertising any article of food; or

(f) whether by himself or by any other person on his behalf gives to the vendor a false warranty in writing in respect of any article of food sold by him,

he shall, in addition to the penalty to which he may be liable under the provisions of section 6, be punishable with imprisonment for a term which shall not be less than six months but which may extend to six years, and with fine which shall not be less than one thousand rupees:

Provided that—

(i) if the offence is under sub-clause (i) of clause (a) and is with respect to an article of food which is adulterated under sub-clause (l) of clause (i) of section 2 or misbranded under sub-clause (k) of clause (ix) of that section; or

(ii) if the offence is under sub-clause (ii) of clause (a), the court may for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months or of fine of less than one thousand rupees or of both imprisonment for a term of less than six months and fine of less than one thousand rupees.

(1A) If any person in whose safe custody any article of food has been kept under sub-section (4) of section 10, tampers or in any other manner interferes with such article, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine which shall not be less than one thousand rupees.

(1B) If any person in whose safe custody any article of food has been kept under sub-section (4) of section 10, sells or distributes such article and such article is found by the magistrate before whom it is produced, to be adulterated with any poisonous or other ingredient under sub-clause (h) of clause (i) of section 2, then, notwithstanding anything contained in sub-section (1A), he shall be punishable with imprisonment for a term of six years and with fine which shall not be less than one thousand rupees.

(1C) If any person contravenes the provisions of section 14 or section 14A, he shall be punishable with imprisonment for a term which may extend to six months and with fine which shall not be less than five hundred rupees.

(1D) If any person convicted of an offence under this Act commits a like offence afterwards, then, without prejudice to the provisions of sub-section (2), the court, before which the second or subsequent conviction takes place, may order the cancellation of the licence, if any, granted to him under this Act and thereupon such licence shall, notwithstanding anything contained in this Act, or in the rules made thereunder, stand cancelled."

Amend-  
ment of  
section 19.

10. In section 19 of the principal Act.—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) A vendor shall not be deemed to have committed an offence pertaining to the sale of any adulterated or misbranded article of food if he proves—

(a) that he purchased the article of food—

(i) in a case where a licence is prescribed for the sale thereof, from a duly licensed manufacturer, distributor or dealer;

(ii) in any other case, from any manufacturer, distributor or dealer,

with a written warranty in the prescribed form; and

(b) that the article of food while in his possession was properly stored and that he sold it in the same state as he purchased it." ;

(ii) in sub-section (3), for the words, brackets and figure "in sub-section (2)", the words and figures "in section 14" shall be substituted.

Amend-  
ment of  
section 20.

11. In section 20 of the principal Act, in sub-section (1), for the words "the State Government or a local authority or a person authorised in this behalf by the State Government or a local authority", the words "the Central Government or the State Government or a local authority or a person authorised in this behalf, by general or special order, by the Central Government or the State Government or a local authority" shall be substituted,



12. After section 20 of the principal Act, the following section shall be inserted, namely:—

Insertion of  
new section  
20A.

"20A. Where at any time during the trial of any offence under this Act alleged to have been committed by any person, not being the manufacturer, distributor or dealer of any article of food, the court is satisfied, on the evidence adduced before it, that such manufacturer, distributor or dealer is also concerned with that offence, then, the court may, notwithstanding anything contained in sub-section (1) of section 351 of the Code of Criminal Procedure, 1898, or in section 20 proceed against him as though a prosecution had been instituted against him under section 20."

Power of  
court to  
implead  
manufac-  
turer, etc.

13. In section 23 of the principal Act,—

Amend-  
ment of  
section 23.

(i) in clause (a) of sub-section (1), for the words "and the fees payable therefor", the words "the fees payable therefor, the deposit of any sum as security for the performance of the conditions of the licence and the circumstances under which such licence or security may be cancelled or forfeited" shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

14. In sub-section (2) of section 24 of the principal Act,—

Amend-  
ment  
of sec-  
tion 24.

(i) in clause (a), the words "and jurisdiction of food inspectors and public analysts" shall be omitted;

(ii) in clause (b), for the words "and the fees payable therefor", the words "the fees payable therefor, the deposit of any sum as security for the performance of the conditions of the licences and the circumstances under which such licences or security may be cancelled or forfeited" shall be substituted.

## THE APPROPRIATION (RAILWAYS) No. 3 ACT, 1964

No. 50 OF 1964

[25th December, 1964]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1964-65 for the purposes of Railways.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

Short  
title.

1. This Act may be called the Appropriation (Railways) No. 3 Act, 1964.

Issue of  
Rs. 10,000  
out of the  
Consoli-  
dated  
Fund of  
India for  
the fin-  
ancial  
year  
1964-65.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of ten thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1964-65, in respect of the services relating to Railways specified in column 2 of the Schedule.

Appro-  
priation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

## THE SCHEDULE

(See sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
2	Miscellaneous Railway Expenditure	10,000	..	10,000
	TOTAL	10,000	..	10,000

R. C. S. SARKAR,  
Secy. to the Govt. of India.

